

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

DAVID PAIVA, *

Plaintiff, *

v. *

THE BANK OF NEW YORK MELLON *

FKA THE BANK OF NEW YORK AS *

TRUSTEE FOR THE CERTIFICATE *

HOLDERS CWALT, INC. *

ALTERNATIVE LOAN TRUST *

2005-48T1, MORTGAGE *

PASS-THROUGH CERTIFICATES, *

SERIES 2005-48T1, *

Defendant. *

Civil Docket No.: 14-cv-14531-ADB

DEFENDANT’S MOTION FOR SUMMARY JUDGMENT

NOW COMES The Bank of New York Mellon FKA the Bank of New York as Trustee for the certificate holders CWALT, Inc. Alternative Loan Trust 2005-48T1, Mortgage Pass-Through Certificates, Series 2005-48T1, (“BONYM”), by and through their undersigned counsel, hereby move for summary judgment, pursuant to Fed. R. Civ. P. 56, on the Plaintiff’s Complaint and on BONYM’s counterclaims.

In further support of this motion, BONYM relies upon and incorporates by reference the attached Affidavits, Memorandum of Law and Statement of Undisputed Material Facts.

WHEREFORE, BONYM respectfully request that this Court grant its Motion for Summary Judgment on the Plaintiff’s Complaint and on BONYM’s Counterclaims and that judgment enter in its favor and for such other and further relief as this Court may deem just and proper.

Respectfully Submitted,

The Bank of New York Mellon FKA the Bank of New York as Trustee for the certificate holders CWALT, Inc. Alternative Loan Trust 2005-48T1, Mortgage Pass-Through Certificates, Series 2005-48T1, (“BONYM”) By their attorneys,

Date: February 27, 2015

/s/ Reneau J. Longoria
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CERTIFICATION PURSUANT TO LOCAL RULE 7.1(a)(2)

I, Reneau J. Longoria, attorney for the Defendant and Plaintiff-in-Counterclaim, hereby certify that on February 10, 2015, my office contacted the Plaintiff's counsel to confer and attempt in good faith to resolve and narrow the issues.

/s/ Reneau J. Longoria, Esq.
Reneau J. Longoria, Esq.

CERTIFICATE OF SERVICE

I, Reneau J. Longoria, Esq., hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on February 27, 2015.

/s/Reneau J. Longoria, Esq.
Reneau J. Longoria, Esq.